

#### REMARKS

Claims 1-16 are listed as pending in the application, which claims have been rejected. Claims 17-19, directed to non-elected subject matter, have been canceled.

Reconsideration and withdrawal of the rejection of claims 1-16 are requested.

#### DISCUSSION

##### Change in Power of Attorney and Correspondence Address

Pursuant to the executed PTO/SB/122 (Change of Correspondence Address) and Associate Power of Attorney Pursuant to 37 C.F.R. §1.34 forms filed March 15, 2007, Applicants request recognition of the undersigned attorney as Applicant's representative in the present application.

##### Rejection of Claims 1-8 and 11-16 under 35 U.S.C. §103(a)

The Examiner rejected claims 1-16 under 35 U.S.C. §103(a) over Jacobsen, et al. (U.S. 6,517,864, '864 hereinafter), in view of Girsh, et al. (U.S. 5,753,296, '296 hereinafter). The gist of the rejection is that one of ordinary skill would have been motivated to combine the transmucosal compositions of '864, containing R and S forms of tolterodine, with the compositions disclosed in '296, comprising, *inter alia*, cocoa powder.

Section 103(c) of 35 U.S.C. provides that "[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, . . . subject to an obligation of assignment to the same person."

Applicants note that Jacobsen, et al., is not a reference against the instant application because the subject matter of Jacobsen, et al., and that of the instant application were, at the time the present invention was made, both under an obligation of common assignment.

Statement of Common Ownership

U.S. Pat. No. 6,517,864 (Jacobsen, et al.), which claims priority to U.S. Application Serial No. 09/763,654, was, at the time the present invention was made, assigned to Pharmacia AB. The instant application, U.S. Serial No. 10/816,673, is also under obligation of common assignment to Pharmacia AB, now a wholly-owned subsidiary of Pfizer Inc.

In support thereof, Applicants refer to the Assignment in U.S. Application Serial No. 09/763,654, recorded at Reel 011759, Frame 0911, a copy of which is transmitted concurrently herewith for the Examiner's consideration, marked as "EXHIBIT A."

Nothing in Girsh, et al., ('296) teaches, discloses, or suggests the incorporation of tolterodine, or any form thereof, into the compositions taught therein.

Reconsideration and withdrawal of the rejection of claims 1-8 and 11-16 are requested.

Rejection of Claims 1-16 under 35 U.S.C. §103(a)

The Examiner further rejected claims 1-16 under 35 U.S.C. §103(a) over Jacobsen, et al. ('864), in view of Girsh, et al. ('296), and Pather, et al. (U.S. 6,200,604, '604 hereinafter).

Applicants note the instant disqualification hereinabove of the Jacobsen, et al., reference pursuant to the provisions of 35 U.S.C. §103(c). Neither Girsh, et al., ('296) nor Pather, et al., ('604) teach, disclose, or suggest,

separately or in proper combination, the incorporation of tolterodine, or any form thereof, into the compositions taught therein.

Reconsideration and withdrawal of the rejection of claims 1-16 are requested.

Respectfully submitted,

Date: March 21, 2007

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EXHIBIT A



2136-126  
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JULY 19, 2001

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RECORDATION DATE: 04/30/2001

REEL/FRAME: 011759/0911  
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BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
JACOBSEN, LENE ORUP

DOC DATE: 03/23/2001

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DOC DATE: 03/23/2001

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SERIAL NUMBER: 09763654  
PATENT NUMBER:

FILING DATE: 04/30/2001  
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JEEVON JONES, EXAMINER  
ASSIGNMENT DIVISION  
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**BIRCH, STEWART, KOLASCH & BIRCH, LLP**UNITED STATES PATENT RIGHTS, OR  
UNITED STATES PLUS ALL FOREIGN PATENT RIGHTS**ASSIGNMENT**Application No. 09/763,654Filed February 26, 2001**Insert Name(s)  
of Inventor(s)**

WHEREAS, Lene ORUP JACOBSEN Bo KREILGARD  
Ulla HOECK Helle KRISTENSEN  
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 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(hereinafter designated as the undersigned) has (have) invented certain new and useful improvements in

**Insert Title  
of Invention**TRANSDERMALLY ADMINISTERED TOLTERODINE AS ANTI-MUSCARINIC AGENT FOR THE  
TREATMENT OF OVERACTIVE BLADDER

for which an application for Letters Patent of the United States of America has been executed by the undersigned (except in the case of a provisional application).

**Insert Date  
of Signing of  
Application**on March 23 and March 27, 2001; and**Insert Name  
of Assignee**WHEREAS, PHARMACIA AB**Insert Address  
of Assignee**of S-112 87 Stockholm SWEDEN

its heirs, successors, legal representatives and assigns (hereinafter designated as the Assignee) is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters Patent(s) that may be granted therefor in the United States of America and

**CHECK BOX  
IF APPROPRIATE**☐ in any foreign countries.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) to the undersigned in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, the undersigned has (have) sold, assigned and transferred, and by these presents does sell, assign and transfer unto said Assignee the full and exclusive right to the said invention in the United States of America, its territories, dependencies and possessions and the entire right, title and interest in and to any and all Letters Patent(s) which may be granted therefor in the United States of America, its territories, dependencies and possessions, and if the box above is designated, in any and all foreign countries;

and to any and all divisions, reissues, continuations, conversions and extensions thereof for the full term or terms for which the same may be granted.

The undersigned agree(s) to execute all papers necessary in connection with this application and any continuing, divisional, conversion or reissue applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agree (s) to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation, division, conversion or reissue thereof or Letter Patent(s) or reissue patent issued thereon and to cooperate with the Assignee in every way possible in obtaining and producing evidence and proceeding with such interference.

The undersigned agree(s) to execute all papers and documents and to perform any act which may be necessary in connection with claims or provisions of the International Convention for the Protection of Industrial Property or similar agreements.

The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States of America patent(s) or a grant of a valid United States of America and any foreign patent(s) to the Assignee and to vest all rights therein hereby conveyed to said Assignee as fully and entirely as the same would have been held by the undersigned if this Assignment and sale had not been made.

The undersigned hereby authorize(s) and request(s) the Patent and Trademark Office Officials in the United States of America and in any foreign countries to issue any and all Letters Patents resulting from said application or any continuing, divisional conversion or reissue applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) the full right to convey the entire interest herein assigned, and that he has (they have) not executed, and will not execute, any agreement in conflict herewith.

The undersigned hereby grant(s) the law firm of Birch, Stewart, Kolasch & Birch, LLP the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office for recordation of this document.

The undersigned hereby covenant(s) that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date 23-MAR-2001

Name of Inventor Lene Orup Jacobs  
(signature) Lene ORUP JACOBSEN

Date March 23, 2001

Name of Inventor Bo Kreilgaard  
(signature) Bo KREILGAARD

Date March 23, 2001

Name of Inventor Ulla Hoeck  
(signature) Ulla HOECK

Date March 27, 2001

Name of Inventor Helle Kristensen  
(signature) Helle KRISTENSEN

Date \_\_\_\_\_

Name of Inventor \_\_\_\_\_  
(signature)

Date \_\_\_\_\_

Name of Inventor \_\_\_\_\_  
(signature)